

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION

Gwen Glaze,
Plaintiff,

v.

Robert L. Leonard, D.V.M., and
Animal Clinic & Equine Center, Ltd.,
Defendants.

No. 6:17-CV-03081-BCW

PLAINTIFF'S TRIAL BRIEF

COMES NOW Plaintiff, by and through counsel, and for her trial brief submits the following background on her factual and legal contentions.

Plaintiff Gwen Glaze's husband purchased Southern Jazz, a Missouri Fox Trotter stallion, as an investment for breeding purposes. To protect the investment, straws of Southern Jazz's semen were extracted and frozen for future sale to breeders. Her husband made arrangements with the Defendant(s) for the storage of that semen.

Upon her husband's death, Mrs. Glaze became the owner of the straws of Southern Jazz's semen, which at that time numbered 1,620 straws. She contracted with Defendant Leonard to store, market, and sell the straws of Southern Jazz's semen. Semen stored in this manner remains viable indefinitely. While in Defendant Leonard's and his veterinary practice's—Animal Clinic & Equine Center's—control, the storage tank storing the semen failed, leading to its total loss. Gwen Glaze seeks recovery for the fair market value of the semen stored by the Defendants, who owed her a duty to safely store the semen.

The Plaintiff calculates the fair market value of the lost semen based upon the number of straws of semen (1,620), the number of straws required per breeding contract

(2-4), and the price of the straws. Depending upon the calculation, the damages which is at least \$500 per breeding based upon sales immediately preceding the loss of the semen, and may be as high as \$1,000 per breeding.

RESPECTFULLY SUBMITTED,

SWIECICKI & MUSKETT, LLC

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CERTIFICATE OF SERVICE

The undersigned certifies that that a true and correct copy of the foregoing was filed with the Court's electronic filing system which provides service to all attorneys of record on this 13th day of August, 2018.

/s/ Christopher S. Swiecicki